

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**VICKI TIMPA, INDIVIDUALLY,
AND AS REPRESENTATIVE OF
THE ESTATE OF ANTHONY
TIMPA, AND CHERYLL TIMPA
INDIVIDUALLY AS NEXT FRIEND
OF K. T., A MINOR CHILD
Plaintiffs,**

V.

**CIVIL ACTION
NO. 3:16-cv-03089-N**

**DUSTIN DILLARD,
DANNY VASQUEZ,
RAYMOND DOMINGUEZ,
KEVIN MANSELL**

Defendants.

PLAINTIFFS' SECOND AMENDED PRE-TRIAL DISCLOSURES

Plaintiffs VICKI TIMPA, Individually and as Representative of the Estate of Anthony Timpa, and CHERYLL TIMPA, Individually, and as Next Friend of K.T., a Minor Child make these Pre-Trial Disclosures as required by the Court's Scheduling Order and Federal Rule of Civil Procedure 26(a)(3)(A)-(B).

A.

Fed. R. Civ. P. 26(a)(3)(A)¹

- (i) the name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises:

¹ For Plaintiffs' Exhibit List, please see a separate filing.

Witnesses Plaintiffs expect to call:

Vicki Timpa	120 minutes of estimated direct examination
Cheryll Timpa	90 minutes of estimated direct examination
K.T.	45 minutes of estimated direct examination

by and through his attorneys,
Geoff J. Henley
Henley & Henley
2520 Fairmount, Suite 200
Dallas, Texas 75201
Tel. #: (214) 821-0222

- Each of these individuals are Plaintiffs. As none were at the incident scene, Plaintiffs will testify about the prosecution of their claims and their damages.

Dr. Kimberly Collins	180 minutes of estimated direct examination
	(Videotaped deposition)

by and through Plaintiffs' attorneys,
Geoff J. Henley
Henley & Henley
2520 Fairmount, Suite 200
Dallas, Texas 75201
Tel. #: (214) 821-0222

- Dr. Kimberly Collins is Plaintiffs' pathologist. She is expected to testify about her education, training, and experience and her opinions that mechanical/compression asphyxia killed Tony Timpa. Like other experts, she will rely on images depicted in the bodycamera footage but also autopsy photographs depicting telltale signs of asphyxia, including cyanosis. She is expected to rebut several defensive theories concerning cause of death including cocaine toxicity and "excited delirium".

Dr. Michael Lyman 150 minutes of estimated direct examination

by and through Plaintiffs' attorneys,
Geoff J. Henley
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2520 Fairmount, Suite 200
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Tel. #: (214) 821-0222

- Dr. Lyman is Plaintiffs' use of force expert. He is expected to testify about his education, training, experience, publications and research in law enforcement and consistent with his report and deposition that Defendant Dustin Dillard in placing his knees on Anthony Timpa's back for a period of approximately 14 minutes, while Mr. Timpa was positioned in a prone position was improper and inconsistent with nationally recognized professional practices and procedures. Had Officer Dillard observed nationally recognized protocols, it is likely, if not certain, that Mr. Timpa would have survived his encounter with Officer Dillard. He is further expected to testify that the other DPD Defendants failed to intervene when they had a duty to do so and that their failure was the result of deliberate indifference. See his deposition and written report for more details.

Dr. Daniel Wohlgeleitner 150 minutes of estimated direct examination

by and through Plaintiffs' attorneys,
Geoff J. Henley
Henley & Henley
2520 Fairmount, Suite 200
Dallas, Texas 75201
Tel. #: (214) 821-0222

- Dr. Daniel Wohlgeleitner is Plaintiffs' cardiology expert. He is expected to testify about his education, training, experience, publications and research in cardiology medicine. He is further expected to testify that Tony Timpa's death was the result of asphyxia and not some other mechanism (including cocaine toxicity). Among his specific findings are that the decedent's cardiovascular system "did not indicate a significant increased risk of sudden cardiac death, in the absence of the restraint related asphyxia." The electrocardiogram findings at the scene further confirmed death by asphyxia. Dr. Wohlgeleitner further responds to contentions made by Defendants' designated experts. See his written report for more details.

Dr. Martin Tobin 210 minutes of estimated direct examination

by and through Plaintiffs' attorneys,
Geoff J. Henley
Henley & Henley
2520 Fairmount, Suite 200
Dallas, Texas 75201

Tel. #: (214) 821-0222

- Dr. Martin Tobin is Plaintiffs' pulmonology and physiology expert. He is expected to testify about his education, training, experience, publications and research in physiology, pulmonology and critical care medicine. He is further expected to testify that based on the mathematically measured forces against Tony Timpa's torso that Defendants restricted Tony Timpa's diaphragm and intercostal muscles and compromised Timpa's tidal breathing resulting in death. He is expected to rebut several defensive theories concerning cause of death including cocaine toxicity and "excited delirium". See his written report for more details.

Dustin Dillard	60 minutes of estimated direct examination
Raymond Dominguez	30 minutes of estimated direct examination
Kevin Mansell	30 minutes of estimated direct examination
Danny Vasquez	45 minutes of estimated direct examination

by and through Defendants' attorneys,
Lindsay Gowin,
lindsay.gowin@dallascityhall.com
Dallas City Attorney's Office
1500 Marilla Street, 7DN
Dallas, Texas 75201
Tel. #: (214) 670-3519
Fax #: (214) 670-0622

- Plaintiffs will inquire of Defendants how their conduct during the incident fails to comport with the Fourth Amendment, their training and other relevant standards.

Mr. Tom Roney	90 minutes of estimated direct examination
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by and through Defendants' attorneys,
Geoff J. Henley
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- Mr. Roney is an economist who would testify about his education, training and experience. He would testify about the economic damages suffered by Plaintiffs and the Estate of Tony Timpa.

Witnesses Plaintiffs may call:

Dr. Andrea McKenzie 60 minutes of estimated direct examination

by and through Plaintiffs' attorneys,
Geoff J. Henley
Henley & Henley
2520 Fairmount, Suite 200
Dallas, Texas 75201

- Tel. #: (214) 821-0222 Dr. McKenzie is an English historian who has written on the subject of judicial pressing during the Renaissance. One of Defendants' designated expert, Dr. Mark Kroll, made her work the subject of his opinions. Dr. McKenzie has stated that his reliance was without basis. She would be called to respond to Dr. Kroll's testimony consistent with the statements in her previously provided expert report.

Julie Fecht Timpa 30 minutes of estimated direct examination

Timpa Law Office
202 N. San Jacinto
Rockwall, Texas 75087
Tel. #: (972) 771-9627
Fax #: (972) 771-7675

- Ms. Timpa is decedent's sister and the daughter of Joe and Vicki Timpa and the aunt of K.T. She would testify about the impact of the decedents' killing on family members.

Kim Timpa 30 minutes of estimated direct examination

Timpa Law Office
202 N. San Jacinto
Rockwall, Texas 75087
Tel. #: (972) 771-9627
Fax #: (972) 771-7675

- Ms. Timpa is decedent's sister and the daughter of Joe and Vicki Timpa and the aunt of K.T. She would testify about the impact of the decedents' killing on family members.

Domingo Rivera

30 minutes of estimated direct examination

by and through Defendants' attorneys,
Lindsay Gowin, State Bar No. 24111401
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1500 Marilla Street, 7DN
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- Plaintiffs would inquire of Officer Rivera regarding the incidents at the scene, his experience and training.

Respectfully submitted,

HENLEY & HENLEY, P.C.

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 21, 2023, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the CM/EFC system which will send notification to all attorneys of record who are registered for electronic notice.

/s/ Geoff J. Henley
Geoff J. Henley

